

United States District Court
Southern District of Texas

ENTERED

October 20, 2015

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

RUSSELL D. ABEREGG,
(TDCJ-CID #01481339)

Petitioner,

vs.

WILLIAM STEPHENS,

Respondent.

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CIVIL ACTION NO. H-15-2956

MEMORANDUM AND OPINION

Petitioner filed this action seeking habeas corpus relief under 28 U.S.C. § 2254, challenging the calculation of his sentence. He is currently serving a sentence for a conviction in the 366th Judicial District Court of Collin County, Texas, which is located within the Sherman Division of the United States District Court for the Eastern District of Texas. Petitioner is currently confined at the Connally Unit, which is located within the San Antonio Division of the United States District Court for the Western District of Texas.

Where an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him. . . .

28 U.S.C. § 2241(d). Under 28 U.S.C. § 2241(d), this court may transfer the writ to the district where the petitioner is currently confined.

The Clerk is ORDERED to transfer this application for writ of habeas corpus to the Clerk of the Western District of Texas, San Antonio Division. Petitioner's Motion to Proceed as a

Veteran, (Docket Entry No. 2), is DENIED without prejudice to reconsideration following transfer.

SIGNED at Houston, Texas, on Oct. 19, 2015.

A handwritten signature in black ink, appearing to read "Vanessa D. Gilmore". The signature is written in a cursive style with some loops and flourishes.

VANESSA D. GILMORE
UNITED STATES DISTRICT JUDGE